Office - Supreme Court, U.S.
FILED
JUL 2 1982
ALEXANDER L. STEVAS, CLERK

No. 81-2325

IN THE

Supreme Court of the United States

OCTOBER TERM, 1981

ATLANTA GAS LIGHT COMPANY

Petitioner,

v.

UNITED STATES DEPARTMENT OF ENERGY, *et al.*

Respondent.

Response of Respondent American Gas Association In Support of Petition for Writ of Certiorari

JOHN A. MYLER
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1515 Wilson Boulevard
Arlington, Virginia 22209
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Attorney for Respondent

Counsel of Record

No. 81-2325

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IN THE

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OCTOBER TERM, 1981

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v.

UNITED STATES DEPARTMENT OF ENERGY, *et al.*

Respondent.

Response of Respondent American Gas Association In Support of Petition for Writ of Certiorari

The American Gas Association, pursuant to Rule 19.6 of the Supreme Court Rules, hereby supports the petition for a writ of certiorari filed by the Atlanta Gas Light Company[1] to review the February 1, 1982, decision of the United States Court of Appeals for the Eleventh Circuit in *Atlanta Gas Light Company, et al.*, v. *Department of Energy*, Nos. 79-2568, *et al.* The circuit court dismissed therein petitions for review of effective federal regulations by which the Secretary of Energy has established prohibitions against providing natural gas for use in outdoor lighting. The opinion is reported at 666 F.2d 1359 and is reprinted in Appendix A to the petition for writ of certiorari filed by Atlanta Gas Light Company. The regulations issued by the Secretary of Energy are published at 10 C.F.R. § 516 *et seq.* (1981). The listing of all member companies of the American Gas Association, their parents, subsidiaries and affiliates required by Rule 28.1 of the Supreme Court Rules is provided in Special Appendix A herein.

[1] *Atlanta Gas Light Company* v. *United States Department of Energy*, No. 81-2325.

STATEMENT OF THE CASE

The Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. § 8301-8484 (Supp. IV 1980) (the 'Fuel Use Act') was established by Congress as a broad-ranging federal effort to reduce the importation of petroleum and increase the nation's capability to use indigenous energy resources. It was intended to promote conservation of petroleum and natural gas for uses without feasible alternatives. The use of natural gas as a primary energy source was prohibited or minimized in order to conserve gas to assure adequate supplies for appropriate uses.[2] The major thrust of the statute was against the use of natural gas or petroleum as a primary energy source in electric power-plants and major fuel-burning industrial installations. However, Congress included in the Fuel Use Act several additional prohibitions, of more limited impact, including that against provision of natural gas service for "use . . . for decorative outdoor lighting."[3]

This particular prohibition involves commercial service of natural gas for purposes which have long been of interest to individual states. Consequently, certain of the Secretary's responsibilities regarding outdoor lighting were allowed to be delegated to the states, i.e. the power to establish a prohibition against service of natural gas for use in outdoor lights and the power to grant exemptions from such prohibitions. While the statute is clear that only the Secretary has the authority to assess and collect civil penalties for noncompliance with such prohibitions, the Secretary's regulations attempt to delegate these duties to the states. Thus, the basic statutory framework of the Act provides a crucial insight into how the Secretary must implement the Act himself and what he can and cannot delegate to the states. He cannot delegate enforcement authority.

Title I of the Act contains general provisions, including legislative findings, statement of purpose, definitions, and territorial application of the Act. Titles II and III provide

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[2] 42 U.S.C. § 8301(b).

[3] Section 402, codified at 42 U.S.C. § 8372.

various prohibitions, and requirements and procedures for the granting of exemptions therefrom, against the use of natural gas or petroleum by "new" and "existing" powerplants and major fuel-burning industrial installations. Title IV provides additional prohibitions, including one against sale of natural gas for use in outdoor lighting, and grants to the President certain emergency authorities. Title V allows electric utilities owning powerplants the means of obtaining from the Secretary of Energy approval of a system-wide compliance plan. Title VI offers financial assistance for certain areas impacted by increased coal or uranium production and for certain powerplant acquisitions of air pollution control equipment.

Title VII provides the Secretary of Energy with certain powers and responsibilities for administration and enforcement of the entire Act. Subtitle A requires administrative procedure generally comporting with Section 553 of Title 5, United States Code, and provides for federal judicial review of final rules or orders prescribed by the Secretary. Subtitle B authorizes the Secretary to require reports and information from certain persons subject to the Act. The means of enforcement of the Act's provisions are provided specifically in Subtitle C, which requires a notice of violation to be provided by the Secretary to a person in violation of the Act, provides criminal and civil penalties, procedures for assessment and collection thereof, and allows injunctive relief and certain citizen suits. Section 723(c) provides a civil penalty of up to $500 (per day, per Section 723(a)) for each lighting fixture involved in a violation by any person of Section 402 of the Act, by providing gas service for use in outdoor lighting fixtures. Such penalty shall apply only to a violation by a person "who at the time of the violation had knowledge or reasonably should have had knowledge that the action involved was prohibited under Section 402." Section 723(c)(3).[4] Specific procedures for the assessment of any civil penalties under the Act to be followed by the Secretary are provided in Section 723(d).

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[4] 42 U.S.C. § 8433(c)(3).

The specific prohibition concerned in this case, Section 402 of the Act, is in two parts.[5] Section 402(a) prohibits the installation, by a local distribution company or certain industrial users of natural gas, of any outdoor lighting fixture using gas, which prohibition is not addressed by Atlanta Gas Light Company's petition. Section 402(b) directs the Secretary to prohibit by rule any local distribution company from providing natural gas service for use in outdoor lighting. Various effective dates are provided for the prohibition for residential, commercial, and industrial or municipal fixtures. Except for residential customers for whose fixtures natural gas was being provided for outdoor lighting use on the date of enactment of the Fuel Use Act, the prohibition is now in effect. The Secretary is authorized to exempt, from the prohibition against service provided in Section 402(b), distribution companies or users where such exemption is consistent with certain specified required findings (e.g., safety of persons or property) which are to be made under criteria established by the Secretary. Section 402(c).

The responsibility and authority of the Secretary with regard to outdoor lighting *under Section 402* may be delegated to the appropriate regulatory authority of a State if consistent with the purposes of Section 402. Section 402(e)(1). Such delegation shall be on terms and conditions prescribed by the Secretary and may be rescinded by the Secretary at any time. Section 402(e)(2).[6]

ARGUMENT

Pre-enforcement Review of the Secretary's Regulations Is Required to Provide Due Process of Law

The difficulties faced by local distribution companies attempting to comply with a ban on provision of natural gas for use in outdoor lighting fixtures were recognized clearly by Congress in consideration of the Act and a directive was

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[5] 42 U.S.C. § 8372.

[6] 42 U.S.C. § 8372(e).

issued to the Secretary to provide basic guideposts in order that distribution companies could act in such fashion as to comply with the law.

> The conferees intend that the Secretary's enforcement of civil penalties be reasonable For instance, lights that are located on the users [sic] side of the meter, and are not visible from the street may present problems to a company enforcing the ban. Similarly, a light that was turned off by the company, and later reconnected by the residential user, may be difficult to detect. The Secretary should provide some guidance.[7]

The Secretary has provided no guidance whatsoever, in spite of the problems recognized by Congress and articulated by distribution companies throughout the regulatory process required by FUA. Distribution companies typically do not, for instance, have the legal authority to enter upon a customer's premises except in accord with its state-regulated tariff. To enter the property without permission in order to terminate service to a gas light may subject the gas company to lawsuits for trespass or actions in tort. Furthermore, many gas companies operate under tariffs which do not authorize discontinuance of service unless the customer is using gas for an unlawful purpose. Because the federal prohibition is against service of gas, not use of gas, it is questionable whether discontinuance would comply with state law.

The circuit court declined to decide the due process questions presented, finding that until petitioners "can show that there presently exists a set of regulations so vague in their terms that reasonably intelligent persons would differ as to their meaning and application, then they have failed to establish a vagueness claim under the Fifth Amendment."[8] It is apparent, however, that the Secretary has the statutory authority to rescind the delegation "at any time" simply by providing notice thereof. Section 402(e)[9]. Clearly, the Secretary

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[7] H.R. Rep. No. 95-1749, 95th Cong., 2nd Sess. 89, reprinted in [1978] U.S. Code Cong. & Ad. News 8760, 8762.

[8] 666 F.2d at 1370.

[9] 42 U.S.C. § 8372(e)(2).

retains the authority to administer the program where a delegation was either not accepted or rescinded.[10] Just as clearly, neither the statute nor the Secretary's regulations exempt from liability action taken by distribution companies prior to a time when the compliance "guidance" directed by Congress has been provided, or prior to rescission of the delegation by the Secretary. We concur with Atlanta that distribution companies are presently subject to enforcement by the Secretary of Energy and that, under the rule of *Abbott Laboratories* v. *Gardner*, 387 U.S. 136 (1967), this case is ripe for adjudication. In a substantial and practical business sense, local distribution companies are threatened with injury by the Secretary's incomplete regulations.

The urgency for the Secretary's providing compliance guidelines is exacerbated by the fact that no one other than the Secretary has statutory authority to assess monetary penalties under Section 723 for a violation of Section 402 and to collect such penalties, i.e., to "enforce" the prohibitions established under Section 402.[11] As shown above, enforcement powers granted to the Secretary under the Act are granted under Section 723. The power to assess penalties for violation of the Act is provided in Section 723(d). The Secretary may delegate to appropriate state authorities, pursuant to Section 402(e), his powers regarding outdoor lighting "under this Section". Section 402's authorities include the authority to establish prohibitions and grant exemptions. They do not include authority to assess and collect penalties.

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[10] 47 Fed. Reg. 23436, 23437 (May 28, 1982).

[11] This issue was briefed before the Eleventh Circuit but was not addressed in the circuit court's opinion.

CONCLUSION

A writ of certiorari should issue to review the judgement and the opinion of the United States Court of Appeals for the Eleventh Circuit.

Respectfully submitted,

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Arlington, Virginia 22209

Attorney for Appellant
Counsel of Record

APPENDIX

AMERICAN GAS ASSOCIATION, (including, where applicable, parents, other than wholly-owned subsidiaries, and affiliates):

ALABAMA GAS CORPORATION
ALAGASCO, INC.
ALAGASCO ENERGY COMPANY, INC.
ALAGASCO PIPELINE COMPANY
APPLEX EXPLORATION CORP.

ALASKA GAS & SERVICE COMPANY

ALGONQUIN GAS TRANSMISSION COMPANY
ALGONQUIN ENERGY, INC.

AMERICAN NATURAL RESOURCES COMPANY
MICHIGAN WISCONSIN PIPELINE COMPANY
ANR COAL COMPANY
ANR WESTERN COAL DEVELOPMENT COMPANY
BROOKS RUN COAL COMPANY
APACHE MINING COMPANY
VICC LAND COMPANY
VIRGINIA IRON, COAL AND COKE COMPANY
VICCO COAL COMPANY
VICCO INTERNATIONAL SALES CORPORATION
VICCO LEASING COMPANY
ANR FREIGHT SYSTEM, INC.
ASSOCIATED TRUCK LINES, INC.
ASSOCIATED TRUCK LINES OF CANADA, INC.
GARRETT FREIGHTLINES, INC.
GRAVES TRUCK LINE
ROAD EQUIPMENT FINANCING, INC.
NEUENDORF TRANSPORTATION COMPANY
NEW LIFE TRANSPORT PARTS CENTER, INC.
UNITED TRUCK RENTALS, INC.
ANG COAL GASIFICATION COMPANY
ANR GASIFICATION PROPERTIES COMPANY

ANR MEDIA COMPANY
ANR STORAGE COMPANY
ANR WESTERN STORAGE COMPANY
AMERICAN NATURAL ALASKAN COMPANY
AMERICAN NATURAL ARCTIC COMPANY
GREAT LAKES GAS TRANSMISSION COMPANY
TRANSCANADA PIPELINES LIMITED

ARANSAS NATURAL GAS COMPANY

ARIZONA PUBLIC SERVICE COMPANY

ARKANSAS OKLAHOMA GAS CORPORATION

ARKANSAS WESTERN GAS COMPANY
SOUTHWESTERN ENERGY COMPANY

ARKLA, INC.

ASHLAND GAS COMPANY

ATLANTA GAS LIGHT COMPANY

BALTIMORE GAS AND ELECTRIC COMPANY
SAFE HARBOR WATER POWER CORPORATION

BATTLE CREEK GAS COMPANY

BAY STATE GAS COMPANY
FITCHBURG GAS AND ELECTRIC LIGHT COMPANY
BOUNDARY GAS, INC.

BERKSHIRE GAS COMPANY

BOONVILLE NATURAL GAS CORPORATION

BOSTON GAS COMPANY
EASTERN GAS AND FUEL ASSOCIATES

BOWLING GREEN GAS COMPANY

BROOKLYN UNION GAS COMPANY
BOUNDARY GAS INC.

HONEOYE STORAGE CORPORATION
VIKING MANUFACTURING CORPORATION

CABOR CORPORATION OF WEST VIRGINIA, A DIVISION OF CABOR CORPORATION OF MASSACHUSETTS

CAMBRIDGE GAS COMPANY

CAPE COD GAS COMPANY
COLONIAL GAS COMPANY
TRANSGAS INC.
MASSACHUSETTS ASSOCIATES, INC.

CARNEGIE NATURAL GAS COMPANY
UNITED STATES STEEL CORPORATION
APOLLO GAS COMPANY

CAROLINA PIPELINE COMPANY
CAROLINA ENERGIES, INC.

CASCADE NATURAL GAS CORPORATION

CENTRAL FLORIDA GAS CORPORATION

CENTRAL HUDSON GAS & ELECTRIC CORPORATION

CENTRAL ILLINOIS LIGHT COMPANY

CENTRAL ILLINOIS PUBLIC SERVICE COMPANY
ELECTRIC ENERGY, INC.

CHATTANOOGA GAS COMPANY, A DIVISION OF JUPITER INDUSTRIES, INC.

CHESAPEAKE UTILITIES CORPORATION

CHEYENNE LIGHT FUEL & POWER COMPANY

THE CINCINNATI GAS & ELECTRIC COMPANY
THE UNION LIGHT, HEAT AND POWER COMPANY

CITIES SERVICE GAS COMPANY
CITIES SERVICE COMPANY

CITIZENS GAS & COKE UTILITY

CITIZENS GAS FUEL COMPANY

CITIZENS UTILITIES COMPANY

CITY GAS COMPANY

CITY OF RICHMOND, DEPARTMENT OF PUBLIC UTILITIES

COLONIAL GAS COMPANY

COLORADO INTERSTATE GAS COMPANY
THE COASTAL CORPORATION
CIG EXPLORATION, INC.

THE COLUMBIA GAS SYSTEM, INC.
COLUMBIA GAS SYSTEM SERVICE CORPORATION
COLUMBIA LNG CORPORATION
COLUMBIA ALASKAN GAS TRANSMISSION CORPORATION
COLUMBIA COAL GAS TRANSMISSION CORPORATION
COLUMBIA COAL GASIFICATION CORPORATION
COLUMBIA HYDROCARBON CORPORATION
THE INLAND GAS COMPANY, INC.
COLUMBIA GAS OF KENTUCKY, INC.
COLUMBIA GAS OF MARYLAND, INC.
COLUMBIA GAS OF NEW YORK, INC.
COLUMBIA GAS OF OHIO, INC.
COLUMBIA GAS OF PENNSYLVANIA, INC.
COLUMBIA GAS OF VIRGINIA, INC.
COLUMBIA GAS OF WEST VIRGINIA, INC.
COLUMBIA GAS TRANSMISSION CORPORATION
COLUMBIA GAS DEVELOPMENT OF CANADA LTD.
COMMONWEALTH GAS SERVICES, INC.
COMMONWEALTH GAS PIPELINE CORPORATION
COMMONWEALTH PROPANE, INC.
COLUMBIA GULF TRANSMISSION COMPANY
BIG MARSH OIL COMPANY

HENRICO GAS SERVICE CORPORATION
ATLANTIC ENERGY, INC.

COMMERCIAL PIPELINE COMPANY, INC.

COMMONWEALTH ENERGY SYSTEM
COMMONWEALTH GAS COMPANY
CAMBRIDGE ELECTRIC LIGHT COMPANY
CANAL ELECTRIC COMPANY
COMMONWEALTH ELECTRIC COMPANY
COMMONWEALTH GAS COMPANY
COM/ENERGY ACUSHNET REALTY
COM/ENERGY CAMBRIDGE REALTY
COM/ENERGY EXPLORATION COMPANY
COM/ENERGY PRODUCTS COMPANY
COM/ENERGY REALTY TRUST
COM/ENERGY RESEARCH PARK REALTY
COM/ENERGY SERVICES COMPANY
COM/ENERGY STEAM COMPANY
DARVEL REALTY TRUST
HOPKINTON LNG CORP.
ALGONQUIN ENERGY, INC.

CONCORD NATURAL GAS CORPORATION

CONNECTICUT NATURAL GAS CORPORATION
FUELS, INC.
CNG REALTY CORPORATION
HARTFORD STEAM COMPANY
HARTFORD STEAM SERVICE COMPANY

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.
HONEOYE STORAGE CORPORATION
BOUNDARY GAS, INC.

CONSOLIDATED NATURAL GAS COMPANY
CONSOLIDATED NATURAL GAS SERVICE COMPANY, INC.
CONSOLIDATED GAS SUPPLY CORPORATION
THE EAST OHIO GAS COMPANY
THE PEOPLES NATURAL GAS COMPANY
THE RIVER GAS COMPANY

WEST OHIO GAS COMPANY
CNG PRODUCING COMPANY
CONSOLIDATED SYSTEM LNG COMPANY
CNG RESEARCH COMPANY
CNG COAL COMPANY

CONSUMERS POWER COMPANY

CONTINENTAL RESOURCES COMPANY

CORNING NATURAL GAS CORPORATION

COUNTIES GAS COMPANY

CUT BANK GAS COMPANY

THE DAYTON POWER AND LIGHT COMPANY

DELMARVA POWER & LIGHT COMPANY

DISTRIGAS CORPORATION

EAST TENNESSEE NATURAL GAS COMPANY

EASTERN GAS & WATER INVESTMENT COMPANY

EASTERN SHORE GAS COMPANY

EL PASO NATURAL GAS COMPANY
THE EL PASO COMPANY
DESERT AMERICAN INSURANCE AGENCY, INC.
EL PASO EUROPE
GEONUCLEAR NOBEL PASO

ELIZABETHTOWN GAS COMPANY

ELK RIVER PUBLIC UTILITY DISTRICT

ENERGAS COMPANY

ENTERPRISE RESOURCES, INCORPORATED
STONE & WEBSTER, INCORPORATED

ENTEX, INC.

EQUITABLE GAS COMPANY
KENTUCKY WEST VIRGINIA GAS COMPANY
KENTUCKY HYDROCARBON COMPANY
KEPCO, INC.
PHILADELPHIA OIL COMPANY
BEREA GATHERING COMPANY
EQUITABLE GAS-ENERGY COMPANY

FALL RIVER GAS COMPANY

FITCHBURG GAS & ELECTRIC LIGHT COMPANY

FLORIDA PUBLIC UTILITIES COMPANY

GAINESVILLE GAS COMPANY

GAS DIVISION, CITY OF CHARLOTTESVILLE, VA

GASCO, INC.
PACIFIC RESOURCES, INC.
HAWAII ENERGY RESOURCES, INC.
ENERCO, INC.
HAWAIIAN INTERNATIONAL SHIPPING CORP.
PRI SOLAR, INC.
P.R.I.T. HONG KONG LTD.
P.R.I.N. LTD.
PROMANA, INC. (Hawaii)
HAWAIIAN INDEPENDENT REFINERY, INC.
PRI INTERNATIONAL, INC.
PACIFIC RESOURCES TERMINALS, INC.
PETROTERM, INC.
PRI NORTHWEST, INC.
PRIVITY, INC.
PROMAN, INC. (Delaware)
PACIFIC RESOURCES, LTD.
PACIFIC RESOURCES (Liberia), INC.
BREWER PACIFIC AGRONOMICS CO.

GAS LIGHT COMPANY OF COLUMBUS

GAS SERVICE COMPANY

GAS SERVICE, INC.

GAS UTILITIES COMPANY

GREAT FALLS GAS COMPANY

GREAT RIVER GAS COMPANY

GREELEY GAS COMPANY

GULF NATURAL GAS CORPORATION

HAVERHILL GAS COMPANY

HOOSIER GAS CORPORATION

HOUSTON NATURAL GAS CORPORATION
- OASIS PIPE LINE COMPANY
- HT GATHERING COMPANY
- RED RIVER PIPELINE
- RED RIVER PIPELINE CORPORATION
- SAN MARCO PIPELINE COMPANY
- MATAGORDA TERMINALS, LTD.
- MATAGORDA PLANT
- ROBSTOWN PLANT
- HOUSTON PIPELINE COMPANY

ILLINOIS GAS COMPANY

INDIANA GAS COMPANY, INC.

INDIANA NATURAL GAS CORPORATION

INDIANA UTILITIES CORPORATION

INDIANTOWN GAS CO. INC.

INTERMOUNTAIN GAS COMPANY
- INTERMOUNTAIN GAS INDUSTRIES, INC.

IOWA-ILLINOIS GAS AND ELECTRIC COMPANY

IOWA POWER AND LIGHT COMPANY
- IOWA RESOURCES INC.
- ENERCOR, INC.
- IOWA POWER RESOURCES, INC.
- REDLANDS, INC.

MIDDLEWOOD, INC.
IOWA COMPUTER RESOURCES INC.
UNITRAIN INC.
WESCON INDUSTRIES, INC.
ENSERCO, INC.
H. L. HOAK COMPANY, INC.

IOWA PUBLIC SERVICE COMPANY

JACKSON UTILITY DIVISION, CITY OF JACKSON, TENN.

KANSAS-NEBRASKA NATURAL GAS COMPANY, INC.

KANSAS POWER & LIGHT COMPANY

KANSAS PUBLIC SERVICE COMPANY, INC.

KENTUCKY WEST VIRGINIA GAS COMPANY

KNOXVILLE UTILITIES BOARD

KOKOMO GAS & FUEL COMPANY

LAKE SUPERIOR DISTRICT POWER COMPANY

LEWISBURG GAS COMPANY

LONE STAR GAS COMPANY, A DIVISION OF ENSERCH CORPORATION
ENSERCH CORPORATION

LONG ISLAND LIGHTING COMPANY

LOWELL GAS COMPANY

LUMBERPORT SHINNSTON GAS COMPANY, INC.

MADISON GAS AND ELECTRIC COMPANY
MADISON GAS AND ELECTRIC FOUNDATION, INC.
MAGAEL INC.
MAGAEL MATERIAL RESOURCES, INC.
MG&E NUCLEAR FUEL INC.

MANCHESTER GAS COMPANY

MEMPHIS LIGHT, GAS & WATER DIVISION

MERCER GAS COMPANY

METROPOLITAN UTILITIES DISTRICT

MICHIGAN CONSOLIDATED GAS COMPANY
- PRIMARK CORPORATION
- MICHCON CONSERVATION COMPANY
- MICHIGAN CONSOLIDATED HOMES LIMITED
- DIVIDEND HOUSING CORPORATION

MICHIGAN GAS UTILITIES COMPANY
- MICHIGAN ENERGY RESOURCES COMPANY
- SOUTHERN MICHIGAN PRODUCTION COMPANY
- COMMUNICATIONS AND CABLEVISION, INC.
- KENERGY PETROLEUM CORPORATION
- MGU DEVELOPMENT CO.

MIDCON CORP.
- ANTHRUST, INC.
- BUCKHORN PETROLEUM CO.
- CHAPPERAL COAL CORPORATION
- E.K. COAL CO., INC.
- EMPIRE COAL COMPANY
- EXETER CANADIAN EXPLORATION, LTD.
- EXETER CAPITAL CORPORATION
- EXETER COMPANY
- EXETER DRILLING CENTRAL, INC.
- EXETER DRILLING NORTHERN, INC.
- EXETER EXPLORATION COMPANY
- EXETER SERVICE COMPANY
- EXETER VENTURES CORPORATION
- FAIRWAY COAL COMPANY
- HARPER OIL COMPANY
- INDUSTRIAL FUELS CORPORATION
- M & O COAL COMPANY
- NAAACO, INC. (Del.)
- NAERCO, INC.
- NALOCO, INC. (Del.)
- NANBCO INC.

NAPECO INC.
NATOCO, INC.
NATURAL GAS PIPELING COMPANY OF AMERICA
NATURAL-TRINIDAD AND TOBAGO ENGINEERING COMPANY
NGPL-CANYON COMPRESSION CO.
NGPL EXPLORATION COMPANY
NGPL LIQUIDS, INC.
NGP-LNG, INC.
NGPL-OVERTHRUST INC.
NGPL TERMINAL COMPANY
NGPL-TRAILBLAZER INC.
NGLP WILLISTON, INC.
MCN EXPLORATION COMPANY
NGPL OFFSHORE COMPANY
MCN OVERSEAS INC.
MCN-TRINIDAD AND TOBAGO LNG COMPANY
MCN COAL GASIFICATION COMPANY
NORTH SHORE GAS COMPANY
PEOPLES ENERGY CORPORATION
PEOPLES GAS LIGHT & COKE COMPANY
PRATER CREED PROCESSING COMPANY
RED CEDAR MINING COMPANY, INC.
TEXOMA PRODUCTION COMPANY
TWIN OAKS COAL COMPANY
UMET MINING CORPORATION
WEATCOAL CORPORATION
WOLVERINE MINING CORPORATION

MIDDLE TENNESSEE UTILITY DISTRICT

MIDWESTERN GAS TRANSMISSION COMPANY

MILLER GAS COMPANY

MINNESOTA GAS COMPANY

MISSISSIPPI VALLEY GAS COMPANY

MOBILE GAS SERVICE CORPORATION

MONTANA-DAKOTA UTILITIES COMPANY

MORAN UTILITIES COMPANY

MT. CARMEL PUBLIC UTILITY CO.

MOUNTAIN FUEL SUPPLY COMPANY

NASHVILLE GAS COMPANY
- TENNESSEE NATURAL GAS LINES, INC.
- ALABAMA OXYGEN COMPANY, INC.
- TENNESSEE OXYGEN COMPANY

NATIONAL FUEL GAS DISTRIBUTION CORPORATION
- NATIONAL FUEL GAS COMPANY
- NATIONAL FUEL GAS SUPPLY CORPORATION
- SENECA RESOURCES CORPORATION
- PENN-YORK ENERGY CORPORATION

NEW JERSEY NATURAL GAS COMPANY
- NEW JERSEY RESOURCES CORPORATION
- GAS ASSOCIATED SERVICES, INC.
- NEW JERSEY NATURAL RESOURCES COMPANY

NEW ORLEANS PUBLIC SERVICE INC.
- MIDDLE SOUTH UTILITIES, INC.
- SYSTEM FUELS, INC.
- ARKANSAS POWER & LIGHT COMPANY
- LOUISIANA POWER & LIGHT COMPANY
- MISSISSIPPI POWER & LIGHT COMPANY
- MIDDLE SOUTH SERVICES, INC.
- MIDDLE SOUTH ENERGY, INC.

NEW YORK STATE ELECTRIC & GAS CORPORATION
- SOMERSET RAILROAD CORPORATION

NIAGARA MOHAWK POWER CORPORATION
- BEEBEE ISLAND CORPORATION
- MOREAU MANUFACTURING CORPORATION

NORCO GAS & FUEL CO., INC.

NORTH ATTLEBORO GAS COMPANY

NORTH CAROLINA NATURAL GAS CORPORATION

NORTH CENTRAL PUBLIC SERVICE CO.
DONOVAN COMPANIES, INC.
SOUTHERN GAS COMPANY

NORTH PENN GAS COMPANY
PENN FUEL SYSTEM, INC.
PENN FUEL GAS, INC.

NORTHEAST UTILITIES COMPANY

NORTHERN ILLINOIS GAS COMPANY
NICOR INC.

NORTHERN INDIANA FUEL & LIGHT COMPANY

NORTHERN INDIANA PUBLIC SERVICE COMPANY

NORTHERN NATURAL GAS COMPANY

NORTHERN STATES POWER COMPANY, A MINNESOTA COMPANY
NORTHERN STATE POWER COMPANY, A MINNESOTA CORPORATION
LAKE SUPERIOR DISTRICT POWER COMPANY
NORTHERN STATE POWER COMPANY
CORMORANT CORPORATION
UNITED POWER & LAND COMPANY

NORTHERN UTILITIES, INC.

NORTHWEST ALASKAN PIPELINE COMPANY

NORTHWEST NATURAL GAS COMPANY

NORTHWEST PIPELINE CORPORATION
NORTHWEST ENERGY COMPANY
PHILLIPS PACIFIC CHEMICAL COMPANY

NORTHWESTERN PUBLIC SERVICE COMPANY

OAKRIDGE UTILITY DISTRICT

OHIO GAS COMPANY

OKLAHOMA NATURAL GAS COMPANY, A DIVISION OF ONEOK, INC.

ORANGE AND ROCKLAND UTILITIES, INC.
ROCKLAND ELECTRIC COMPANY
PIKE COUNTY LIGHT & POWER COMPANY
O&R ENERGY DEVELOPMENT, INC.
CLOVE DEVELOPMENT CORP.

PACIFIC GAS AND ELECTRIC COMPANY
PACIFIC GAS TRANSMISSION COMPANY
PACIFIC INDONESIA LNG COMPANY
STANDARD PACIFIC GAS LINE INCORPORATED
ALBERTA NATURAL GAS COMPANY
PACIFIC TRANSMISSION SUPPLY COMPANY
ROCKY MOUNTAIN GAS TRANSMISSION COMPANY

PANHANDLE EASTERN PIPE LINE COMPANY
PANHANDLE EASTERN CORPORATION
NATIONAL DISTILLERS AND CHEMICAL CORPORATION
NATIONAL HELIUM CORPORATION

PENNSYLVANIA & SOUTHERN GAS COMPANY

PENNSYLVANIA GAS & WATER COMPANY

PEOPLES GAS SYSTEM, INC.

PEOPLES NATURAL GAS COMPANY OF SOUTH CAROLINA

PEOPLES NATURAL GAS COMPANY, A DIVISION OF INTERNORTH, INC.

PEQUOT GAS COMPANY

PHILADELPHIA ELECTRIC COMPANY

PHILADELPHIA GAS WORKS

PIEDMONT NATURAL GAS COMPANY, INC.

POLARIS CORPORATION

THE PROVIDENCE GAS COMPANY
PROVIDENCE ENERGY CORPORATION
NEWPORT AMERICA CORPORATION
ARROWHEAD PROPANE COMPANY
PRUDENCE CORPORATION
RESOURCE MONITORS, INC.

PUBLIC SERVICE COMPANY OF COLORADO
PUBLIC SERVICE COMPANY OF COLORADO
HOME LIGHT AND POWER COMPANY

PUBLIC SERVICE COMPANY OF NORTH CAROLINA, INCORPORATED

PUBLIC SERVICE ELECTRIC AND GAS COMPANY

RICHMOND GAS CORPORATION

RIVER GAS COMPANY

ROANOKE GAS COMPANY

ROCHESTER GAS AND ELECTRIC CORPORATION

ROCKY MOUNTAIN NATURAL GAS COMPANY, INC.
GASCO, INC.
RMNG GATHERING CO., INC.
INDUSTRIAL MECHANICS, INC.

SAN DIEGO GAS & ELECTRIC COMPANY

SIERRA PACIFIC POWER COMPANY

SOUTH CAROLINA ELECTRIC & GAS COMPANY
CAROLINA ENERGIES, INC.

SOUTH COUNTY GAS

SOUTH FLORIDA NATURAL GAS COMPANY

SOUTH JERSEY GAS COMPANY
- SOUTH JERSEY INDUSTRIES, INC.
- ENERGY & MINERALS, INC.
- JESSEE S. MORIE & SON, INC.
- SOUTH JERSEY FUEL, INC.
- DELAWARE VALLEY INDUSTRIAL GASES, INC.
- SOUTH JERSEY EXPLORATION COMPANY
- SOUTH JERSEY ENERGY COMPANY

SOUTHEASTERN MICHIGAN GAS COMPANY
- SOUTHEASTERN MICHIGAN GAS ENTERPRISES
- SOUTHEASTERN MICHIGAN ENGINE SPECIALISTS, INC.
- SOUTHEASTERN EXPLORATION COMPANY

SOUTHERN CALIFORNIA GAS COMPANY
- PACIFIC LIGHTING CORPORATION
- ANKIRK DEVELOPMENT CORPORATION
- BLACKFIELD HAWAII CORPORATION
- CALIFORNIA LNG COMPANY
- CENTRAL PLANTS, INC.
- DUAL FUEL INTERNATIONAL, INC.
- DUAL FUEL PRODUCTS, INC.
- DUAL FUEL SYSTEMS, INC.
- DUNN PROPERTIES CORPORATION
- DUNN PROPERTIES OF GEORGIA, INC.
- DUNN PROPERTIES OF TEXAS, INC.
- FREDERICKS SALES, INC.
- FREDERICKS DEVELOPMENT CORPORATION
- FUEL INDUSTRIES NEW ZEALAND LIMITED
- GENERAL COMMUNICATIONS COMPANY OF AMERICA
- GENERAL SCIENTIFIC COMPANY
- HAWAII MANAGEMENT CORPORATION
- MAYFLOWER REALTY ASSOCIATES, INC.

PACIFIC ALASKA LNG COMPANY
PACIFIC COAL GASIFICATION COMPANY
PACIFIC ENERGY RESOURCES COMPANY
PACIFIC INDONESIA LNG COMPANY
PACIFIC INTERSTATE COMPANY
PACIFIC INTERSTATE TRANSMISSION COMPANY
PACIFIC INTERSTATE TRANSMISSION COMPANY (ARCTIC)
PACIFIC INTERSTATE TRANSMISSION COMPANY (Rocky Mountain)
PACIFIC INTERSTATE OFFSHORE COMPANY
PACIFIC LIGHTING EXPLORATION COMPANY
PACIFIC LIGHTING FUELS DEVELOPMENT COMPANY
PACIFIC LIGHTING GAS DEVELOPMENT (Canada) LTD.
PACIFIC LIGHTING GAS DEVELOPMENT COMPANY
PACIFIC LIGHTING GAS SUPPLY COMPANY
PACIFIC LIGHTING INTERNATIONAL FINANCE N. V.
PACIFIC LIGHTING LAND COMPANY
PACIFIC LIGHTING LEASING COMPANY
PACIFIC LIGHTING MARINE COMPANY
PACIFIC LIGHTING OVERSEAS FINANCE N. V.
PACIFIC LIGHTING PROPERTIES, INC.
PACIFIC OFFSHORE PIPELINE COMPANY
PACIFIC REAL ESTATE PROJECTS, INC.
S. M. DUNN, INC.
SMA DEVELOPMENT CORPORATION
SOUTHERN CALIFORNIA CONSERVATION FINANCING CO.
SOUTHERN CALIFORNIA GAS COMPANY
SOUTHERN CALIFORNIA SOLAR FINANCING COMPANY
WESTERN LNG TERMINAL COMPANY

THE SOUTHERN CONNECTICUT GAS COMPANY
CONNECTICUT ENERGY CORPORATION

GAS STORAGE, INC.
ONSET MARKETING CORPORATION
RESOURCE PRODUCTION, INC.
SCG GAS QUEST, INC.
SCG PIPELINES, INC.
ECON, INC.

SOUTHERN INDIANA GAS AND ELECTRIC COMPANY

SOUTHERN NATURAL GAS COMPANY
SONAT, INC.

SOUTHERN UNION COMPANY

SOUTHWEST GAS CORPORATION
DON A HARRIS & ASSOCIATES, INC.

SOUTHWESTERN VIRGINIA GAS COMPANY
SOUTHWESTERN VIRGINIA ENERGY INDS., LTD
MIDWAY BOTTLED GAS COMPANY, INC.
SOUTHWESTERN VIRGINIA GAS SERVICE CORPORATION

ST. LAWRENCE GAS COMPANY, INC.
THE CONSUMERS' GAS COMPANY LTD.

SUFFOLK GAS CORPORATION

SUPERIOR WATER, LIGHT AND POWER COMPANY

SYRACUSE SUBURBAN GAS COMPANY, INC.

TENNESSEE GAS PIPELINE COMPANY

TENNESSEE GAS TRANSMISSION COMPANY
TENNECO INC.

TENNESSEE-VIRGINIA ENERGY CORPORATION

TERRE HAUTE GAS CORPORATION

TEXAS EASTERN GAS PIPELINE COMPANY

TEXAS GAS TRANSMISSION CORPORATION
- AMCOM, INC.
- AMERICAN CARRIERS, INC.
- AMERICAN FREIGHT SYSTEM, INC.
- ALL-AMERICAN REDEVELOPMENT CORPORATION
- ATLANTIC TRANSPORT SERVICE, INC.
- TRANSPORT BROKERAGE, INC.
- M.C.T. SERVICES, INC.
- MIDWEST COAST TRANSPORT, INC.
- SIOUX FALLS SERVICE CENTER, INC.
- AMERICAN COMMERCIAL BARGE LINE COMPANY
- AMERICAN COMMERCIAL CREDIT CORPORATION
- AMERICAN COMMERICAL LEASING COMPANY
- AMERICAN COMMERCIAL TERMINALS, INC.
- BAUER DREDGING CO., INC.
- COMMERCIAL ARGE LINE COMPANY
- COMMERCIAL CARRIERS, INC. (MICHIGAN)
- COMMERCIAL CARRIERS, INC. (ILLINOIS)
- NATIONAL TRUCKING COMPANY
- INLAND TUGS CO.
- JEFFBOAT, INCORPORATED
- LOUISIANA DOCK COMPANY, INC.
- MAC TOWING COMPANY, INC.
- WATERWAY COMMUNICATIONS SYSTEM, INC.
- TEXAS GAS SYNFUEL CORPORATION
- TXG RESOURCES, INC.
- TEXAS GAS EXPLORATION (U.K.) CORPORATION
- TEXAS GAS EXPLORATION (U.K.) LIMITED

TRANSCONTINENTAL GAS PIPE LINE CORPORATION
- TRANSCO COMPANIES, INC.
- BORDER GAS, INC. (CLOSE CORPORATION)

TRUNKLINE GAS COMPANY

TWIN GAS COMPANY

UGI CORPORATION

UNION LIGHT, HEAT & POWER COMPANY, INC.

UNION OIL & GAS INC.

UNITED CITIES GAS COMPANY

UNITED GAS PIPELINE COMPANY
- UNITED ENERGY RESOURCES, INC.
- SEA ROBIN PIPELINE COMPANY
- HIGH ISLAND OFFSHORE SYSTEM (HIOS)
- U-T OFFSHOORE SYSTEM (UTOS)
- NORTHERN BORDER PIPELINE COMPANY
- ALASKAN NORTHWEST NATURAL GAS TRANSPORTATION COMPANY
- TRANS-ANADARKO PIPELINE SYSTEM

VALLEY GAS COMPANY
- VALLEY RESOURCES, INC.
- VALLEY PROPANE, INC.
- VAMCO
- RIDEC

VERMONT GAS SYSTEMS, INC.

VIRGINIA NATURAL GAS, A DIVISION OF VIRGINIA ELECTRIC AND POWER COMPANY

WASHINGTON GAS LIGHT COMPANY

WASHINGTON NATURAL GAS COMPANY
- WASHINGTON ENERGY COMPANY
- THERMAL ENERGY, INC.
- THERMAL EXPLORATION, INC.
- THERMAL EFFICIENCY, INC.
- THERMRAIL, INC.

WASHINGTON WATER POWER COMPANY

WEST OHIO GAS COMPANY

WESTERN KENTUCKY GAS COMPANY

WESTERN SLOPE GAS COMPANY

WISCONSIN FUEL AND LIGHT COMPANY
ENEREX EXPLORATION

WISCONSIN GAS COMPANY

WISCONSIN NATURAL GAS COMPANY
WISCONSIN ELECTRIC POWER COMPANY
WISCONSIN MICHIGAN POWER CO., INC.
WISCONSIN ENERGY CORP.
WEPCO ACQUISITIONS, INC.
BADGER SERVICE CO.

WISCONSIN POWER AND LIGHT COMPANY
WISCONSIN RIVER POWER COMPANY

WISCONSIN SOUTHERN GAS COMPANY
J. H. FAGAN COMPANY

WYOMING GAS COMPANY